

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CATHX RESEARCH LTD.,

Plaintiff,

v.

**VOYIS IMAGING, INC. A/K/A 2G
ROBOTICS INC.,**

Defendant.

Civil Action No.: 5:21-cv-00077-RWS

JOINT MOTION TO TAKE EXPERT DEPOSITION OUT OF TIME

Plaintiff Cathx Research Ltd. (“Cathx”) and Defendant Voyis Imaging, Inc. a/k/a 2G Robotics Inc. (“Voyis”) respectfully file this Motion to permit Voyis to take the deposition of Cathx’s expert witness Dr. Patrick Hudson pursuant to Rule 26(b)(4)(A) on October 4, 2023, after the close of expert discovery on September 27, 2023 (*see* Dkt. No. 202).

Dr. Hudson’s deposition was set to proceed in-person on September 22, 2023. Counsel for both parties and the witness were present at the deposition. However, the parties subsequently agreed to reschedule the deposition out of an abundance of caution in light of an attendee being ill.

Dr. Hudson is not available to be deposed until October 4, 2023, which is after the close of expert discovery. The parties agree that taking Dr. Hudson’s deposition shortly after the close of expert discovery will not prejudice either party and will not affect any pending case deadlines. This Motion therefore satisfies the Court’s standard for granting leave to take an expert deposition out of time. *See, e.g., VirnetX, Inc. v. Apple Inc.*, No. 6:12-cv-855-RWS, (Dkt. No. 877) (E.D. Tex. July 2, 2020). The parties have conferred, and this Motion is being filed jointly.

Dated: September 25, 2023

Respectfully submitted,

By: /s/ Edward L. Bishop

Lance Lee
Attorney at Law
State Bar No. 24004762
5511 Plaza Dr.
Texarkana, TX 75503
wlancelee@gmail.com
903-223-0276

Edward L. Bishop (*admitted PHV*)
ebishop@bdl-iplaw.com
Stephanie N. White (*admitted PHV*)
swhite@bdl-iplaw.com
Benjamin A. Campbell (*admitted PHV*)
bcampbell@bdl-iplaw.com
Nicholas S. Lee (*admitted PHV*)
nlee@bdl-iplaw.com
BISHOP DIEHL & LEE, LTD.
1475 E. Woodfield Rd., Suite 800
Schaumburg, IL 60173
(847) 969-9123

Counsel for Plaintiff Cathx Research Ltd.

By: /s/ Mircea A. Tipescu

Mircea A. Tipescu (*admitted PHV*)
Manish K. Mehta (*admitted PHV*)
Simeon G. Papacostas (*admitted PHV*)
Cristina Q. Almendarez
Theresa Starck (*admitted PHV*)
Samuel J. Ruggio (*admitted PHV*)
BENESCH FRIEDLANDER
COPLAN & ARONOFF LLP
71 South Wacker Drive, Suite 1600
Chicago, Illinois 60606-4637
Tel: 312.212.4949
mtipescu@beneschlaw.com
mmehta@beneschlaw.com
spapacostas@beneschlaw.com
calmendarez@beneschlaw.com
tstarck@beneschlaw.com
sruggio@beneschlaw.com

Greg Proctor (*admitted PHV*)
100 Pine Street, Suite 3100
San Francisco, CA 94111

Tel: 628.600.2228
gproctor@beneschlaw.com

JACKSON WALKER LLP
Arthur Gollwitzer III
Texas State Bar No. 24073336
100 Congress Avenue, Suite 1100
Austin, Texas 78701
Tel: (512) 236-2000
agollwitzer@jw.com

William T. Nilsson
Texas State Bar No. 24123350
2323 Ross Ave., Suite 600
Dallas, TX 75201
Tel: (214) 953-6000
wnilsson@jw.com

*Attorneys for Defendant 2G Robotics Inc.
a/k/a Voyis Imaging, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a true and correct copy of the foregoing JOINT MOTION TO TAKE EXPERT DEPOSITION OUT OF TIME via the Court's CM/ECF system this September 25, 2023. Any other counsel of record will be served by electronic and/or first-class mail.

/s/ Mircea A. Tipescu
Mircea A. Tipescu